

DATE: 11/8/07

CASE NUMBER: 07-10729M-001

**CLOSED**

USA vs. Sergio Belman-Gomez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney \_\_\_\_\_ INTERPRETER \_\_\_\_\_  
LANGUAGE \_\_\_\_\_

Attorney for Defendant Matthew Johnson (AFPD)

MATERIAL WITNESS(es): \_\_\_\_\_

MATERIAL WITNESS(es) state true name(s) to be: \_\_\_\_\_

Attorney for Material Witness(es): \_\_\_\_\_

DEFENDANT:  PRESENT  NOT PRESENT  RELEASED

DOA \_\_\_\_\_  Initial Appearance  Appointment of counsel hearing held  
 Financial Afdvt taken  Defendant Sworn  Financial Afdvt sealed  
 Rule 5(c)(3)  Defendant states true name to be \_\_\_. Further proceedings ORDERED  
in Defendant's true name.

**DETENTION HEARING:**

Held  Con't  Submitted  Reset

Set for:

Before:

Defendant ordered temporarily detained in the custody of the United States Marshal

Defendant ordered released \_\_\_\_\_

Defendant continued detained pending trial

Flight risk  Danger

**IDENTITY HEARING:**

Held  Con't  Submitted  Reset

Waived

Set for:

Before:

Warrant of removal issued.

**PRELIMINARY HEARING:**

Held  Con't  Submitted  Reset

Waived

Set for:

Before:

Probable cause found  Dismissed

Held to answer before District Court

**STATUS HEARING:** re: \_\_\_\_\_

Held  Con't  Reset

Set for:

Before:

Other: Prosecution Agent Mario Guerrero appears for the Government and moves to dismiss complaint.  
Defense has no objection. The defendant never appeared in court due to medical reasons.

Recorded by Courtsmart (1 min)

BY: Angela J. Tuohy

Deputy Clerk

# United States District Court

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

Sergio BELMAN-Gomez  
Citizen of Mexico  
YOB: 1971  
A72 710 042  
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07- 10729M-SO

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

### COUNT I

That on or about November, 08, 2004, Defendant Sergio BELMAN-Gomez was arrested and removed from the United States to Mexico through the port of San Ysidro, California, in pursuance of law, and thereafter on or about November 3, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

### COUNT II

That on or about November 3, 2007, within the Southern District of California, Defendant Sergio BELMAN-Gomez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on July 21, 2004 (Felony).

### COUNT III

That on or about November 3, 2007, within the Southern District of California, Defendant Sergio BELMAN-Gomez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

Yes     No

Signature of Complainant  
Enrique Moya  
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

November 5, 2007  
Date

at

Yuma, Arizona  
City and State

Jay R. Irwin, U.S. Magistrate  
Name & Title of Judicial Officer

Signature of Judicial Officer

## STATEMENT OF FACTUAL BASIS

Defendant: Sergio BELMAN-Gomez

Dependents: 1 Mexican

**IMMIGRATION HISTORY:** The Defendant was last removed through San Ysidro, California on November, 08, 2004. The defendant was also deported on **FIVE MORE** different occasions.

**CRIMINAL HISTORY:**

<b><u>DATE/LOCATION</u></b>	<b><u>OFFENSE</u></b>	<b><u>DISPOSITION</u></b>
08/31/93 SEATTLE, WA PD	ASSAULT WITH INTENT	GUILTY. CONVICTED 11 MONTHS JAIL.
10/04/93 SEATTLE, WA PD	CHARGE 1- VUCSA	GUILTY. CONVICTED 88 DAYS, COMM SUPV 12 MONTHS.
02/22/94 SEATTLE, WA PD	CHARGE 1- VUCSA	GUILTY. 2 MONTHS JAIL, COMM SUPV 12 MONTHS
03/15/94 SEATTLE, WA PD	CHARGE 1- ASSAULT CHARGE 2- MALICIOUS MISCHIEF	SENTENCE: UNKNOWN
05/13/97 U.S. BORDER PATROL YUMA, AZ.	CHARGE 1- ILLEGAL ENTRY CHARGE 2- RE-ENTRY AFTER DEPORTATION	CONVICTED. 90 DAYS JAIL.
11/29/01 U.S. BORDER PATROL YUMA, AZ	CHARGE 1- ILLEGAL ENTRY CHARGE 2- RE-ENTRY AFTER DEPORTATION	CONVICTED. 100 DAYS JAIL.
07/21/04 U.S. BORDER PATROL-YUMA, AZ.	CHARGE 1- ILLEGAL ENTRY. CHARGE 2- RE-ENTRY AFTER DEPORTATION	CONVICTED. 110 DAYS JAIL.

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on November 3, 2007.

Charges: 8 USC§1326 (Felony)  
8 USC§1325 (Felony)  
8 USC§1325 (Misdemeanor)

Sworn to before me and subscribed in my presence,

November 5, 2007

Date

~~Signature of Complainant~~

**Signature of Judicial Officer**

I, Senior Patrol Agent Enrique Moya, declare under penalty of perjury, the following is true and correct:

Defendant: Sergio BELMAN-Gomez

Dependents: 1 Mexican

**IMMIGRATION HISTORY:** The Defendant was last removed through San Ysidro, California on November, 08, 2004. The defendant has been deported on **FIVE MORE** different occasions.

**CRIMINAL HISTORY:**

<b><u>DATE/LOCATION</u></b>	<b><u>OFFENSE</u></b>	<b><u>DISPOSITION</u></b>
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Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

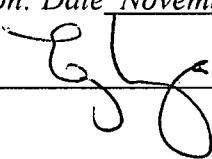
Case 5:07-pa-10729-JRI Document 1 Filed 11/08/2007 Page 6 of 6  
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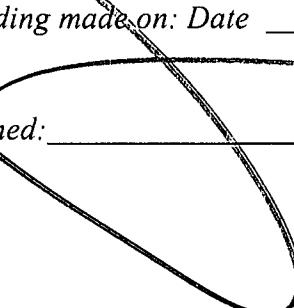
Executed on: Date November 4, 2007 Time: 6:32 AM

Signed:  Senior Patrol Agent

**Finding of Probable Cause**

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on November 3, 2007 in violation of Title 8, United States Code, Section(s) 1326 and 1325.

Finding made on: Date November 4, 2007 Time 3:42 pm

Signed:  United States Magistrate Judge